

Remarks

Claims 21-26 are pending.

Claims 21-26 are rejected by the Examiner.

Claims 21 and 24 are rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner finds no support within the specification for “initially setting a voice over packet channel to voice mode at an originating gateway” and “enabling modem echo cancellation”.

As stated in the specification on page 4, line 3, “initially the VoIP channel is in voice mode.” The beginning portion of the flowchart of Figure 2 teaches the transition from voice mode. It is therefore submitted that there is more than adequate support for the phrase “initially setting a voice over packet channel to voice mode,” in the specification.

Similarly, the phrase ‘enabling modem echo cancellation’ is supported in the specification in the first paragraph of page 5. For example, “Those of skill will appreciate that during the modem physical layer training phase, the modems configure their own echo cancellation parameters, which are used subsequently by the modems for echo cancellation.”

It is therefore submitted that, as the support in the specification has been provided for those phrases, that the rejection under 35 USC 112, first paragraph, be withdrawn.

Claims 21-26 were rejected under 35 USC 103(a) as being unpatentable over the combined teachings of Kwan (6,504,838) and Edholm (6,449,269).

In the office action, the language previously in claim 26, similar to “wherein the negotiation is a truncated, V.34 Phase 1 negotiation,” was not addressed. This language has been added to claims 21 and 24. The combination of references does not teach the truncated negotiation set out in the specification and now required by the claims.

The negotiation in Kwan is not truncated, but a full negotiation of the parameters. See for example, Kwan col. 67, lines 7-24. Edholm does not overcome this deficiency. It is therefore submitted that claims 21-26, as amended, are patentably distinguishable over the prior art and request allowance of these claims.

The prior art made of record and not relied upon has been reviewed and is not considered pertinent to the Applicant's disclosure. No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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